# UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:	) Chapter 11
SEARS HOLDINGS CORPORATION, et al.,	) Case No. 18-23538 (RDD)
Debtors.	) Jointly Administered
Sears Holdings Corp., et al., Plaintiffs, v.	) Adversary Proceeding ) No. 19-08250 (RDD)
Edward Scott Lampert, et al.,	)
Defendants.	) ) _)

#### **AFFIDAVIT OF SERVICE**

State of New Jersey	)	
	)	SS.
County of Monmouth	1)	

Laura Guido, being duly sworn, deposes and says:

- 1. I am over 18 years of age and am not a party to the above-captioned proceedings. I am employed by Morrison & Foerster LLP, having offices located at 250 West 55th Street, New York, NY 10019.
- 2. On June 14, 2022, I served true and correct copies of the *Notice Extending*Mediation [ECF No. 276] by electronic mail upon the parties listed on Exhibit A attached hereto

# 19-08250-rdd Doc 277 Filed 06/28/22 Entered 06/28/22 11:56:23 Main Document Pg 2 of 13

and by pre-paid first class U.S. Mail upon the party listed on Exhibit B attached hereto.

Laura Guido

Sworn to before me on this 23 day of June 2022

otary Public

CHRISTINE SODANO
NOTARY PUBLIC OF NEW JERSEY
Comm. # 50077084
My Commission Expires 2/16/2023

#### Exhibit A

Clyde & Co LLP Leslie S. Ahari

Email: leslie.ahari@clydeco.us

Party Represented:

North American Specialty Insurance Co.

WilmerHale Philip D. Anker

Email: philip.anker@wilmerhale.com

Party Represented:

ESL Institutional Partners LP

ESL Investments, Inc. ESL Investors, LLC ESL Partners LP Edward Lampert

Fried Frank Harris Shriver & Jacobson LLP

Anne Aufhauser

Email: Anne.Aufhauser@friedfrank.com

Party Represented:

Seritage GS Holdings, LLC Seritage Growth Properties, Inc. Seritage Growth Properties, LP Seritage KMT Finance, LLC

Seritage KMT Mezzanine Finance, LLC

Seritage MS Holdings, LLC Seritage SPS Holdings, LLC Seritage SRC Finance, LLC

Seritage SRC Mezzanine Finance, LLC

Aspen Specialty Insurance Company

**Brian Baney** 

Email: brian.baney@aspeninsurance.com

Party Represented:

Aspen American Insurance Co.

Argo Re Ltd. Peter Barber

Email: Peter.Barber@argolimited.com

*Party Represented*: Argo Re Ltd.

Kaufman Dolowich Voluck, LLP

Mary Jo Barry

Email: mbarry@kdvlaw.com

Party Represented:

Allianz Global Risk US Insurance Company

Fairholme

Bruce Berkowitz

Email: <u>bruce@fairholme.net</u>

Party Represented: Bruce Berkowitz

Fairholme Capital Management, LLC

Fairholme Funds, Inc.

Walker Wilcox Matousek LLP

William P. Bila

Email: wbila@wwmlawyers.com

Party Represented:

**AXIS** 

Phillips, McLaughlin & Hall

David A. Bilson

Email: dab@pgmhlaw.com

Party Represented:

**QBE** Insurance Corporation

Akin Gump Strauss Hauer & Feld LLP

Sara Brauner

Email: sbrauner@akingump.com

Party Represented:

Sears Holdings Corporation

QBE Specialty Insurance Co.

Allison Calkins

Email: Allison.Calkins@us.qbe.com

Party Represented:

QBE Specialty Insurance Company

Old Republic Insurance Co.

Michael Carney

Email: mcarney@oldrepublicpro.com

Party Represented:

Old Republic Professional Liability Inc.

Kaufman Dolowich Voluck, LLP

Catherine Casavant

Email: ccasavant@kdvlaw.com

Party Represented:

StartPoint

Federal Insurance Company

Geralyn M. Cerase

Email: geralyn.cerase@chubb.com

Party Represented:

Westchester Fire Ins. Co., a Chubb/ACE

Company

Akin Gump Strauss Hauer & Feld LLP

Dean Chapman

Email: dchapman@akingump.com

Party Represented:

Sears Holdings Corporation

Joseph Hage Aaronson LLC

Rachel M. Cherington

Email: rcherington@JHANY.COM

Party Represented: Cesar L. Alvarez

Cravath, Swaine & Moore LLP

Evan R. Chesler

Email: echesler@cravath.com

Party Represented: Ann N. Reese Paul DePodesta William C. Kunkler III

Gair Eberhard Nelson Dedinas Ltd.

Carly Chocron

Email: cchocron@gairlawgroup.com

Party Represented: Robert Riecker Rovert Schriesheim Scott Huckins

Swiss Re

Claudia Cinardo

Email: claudia cinardo@swissre.com

Party Represented:

North American Specialty Insurance Co.

Beazely Insurance Company, Inc.

William Clarke

Email: william.clarke@beazley.com

Party Represented: Beazley Group

Illinois National Insurance Company (AIG)

Jennifer Cleator

Email: Jennifer.Cleator@aig.com

Party Represented:

Illinois National Insurance Company (AIG)

Axis Insurance Company

George Cortelyou

Email: george.cortelyou@axiscapital.com

Party Represented:

**AXIS** 

Kaufman Borgeest & Ryan LLP

Paul T. Curley

Email: pcurley@kbrlaw.com

Party Represented: Beazley Group

Hiscox

Seward & Kissel LLP

Noah Czarny

Email: czarny@sewkis.com

Party Represented:
Bruce Berkowitz

Fairholme Capital Management, LLC

Fairholme Funds, Inc.

Wilson Elser Moskowitz, et al. LLP

Anjali C. Das

Email: anjali.das@wilsonelser.com

Party Represented:

Old Republic Professional Liability Inc.

Ropes & Gray

Andew G. Devore

Email: andrew.devore@ropesgray.com

Party Represented: Duff & Phelps, LLC

Akin Gump Strauss Hauer & Feld LLP

Ira S. Dizengoff

Email: idizengoff@akingump.com

Party Represented:

Sears Holdings Corporation

Kaufman Dolowich Voluck, LLP

Ivan J. Dolowich

Email: idolowich@kdvlaw.com

Party Represented:

Validus Specialty Underwriting Services

Cravath, Swaine & Moore LLP

J. Wesley Earnhardt

Email: Wearnhardt@cravath.com

Party Represented: Ann N. Reese Paul DePodesta William C. Kunkler III

William C. Kunkiel im

Gair Eberhard Nelson Dedinas Ltd.

Jeffrey S. Eberhard

Email: jeberhard@gairlawgroup.com

Party Represented: Robert Riecker Rovert Schriesheim Scott Huckins

Weil Gotshal & Manges LLP

Garrett Fail

Email: Garrett.Fail@weil.com

Ropes & Gray Timothy Farrell

Email: timothy.farrell@ropesgray.com

Party Represented: Duff & Phelps, LLC

Kaufman Dolowich Voluck, LLP

John H. FitzSimons

Email: jfitzsimons@kdvlaw.com

Party Represented:

Illinois National Insurance Company (AIG)

Kaufman Borgeest & Ryan LLP

Neil A Fox

Email: nfox@kbrlaw.com

Party Represented: Beazley Group

Hiscox

O'Melveny & Myers LLP

Andrew J. Frackman

Email: afrackman@omm.com

Party Represented: Benefit Street 2018 Thomas Tisch

Gair Eberhard Nelson Dedinas Ltd.

Chris C. Gair

Email: cgair@gairlawgroup.com

Party Represented: Robert Riecker Rovert Schriesheim Scott Huckins

Seward & Kissel LLP

Robert J. Gayda

Email: gayda@sewkis.com

Party Represented: Bruce Berkowitz

Fairholme Capital Management, LLC

Fairholme Funds, Inc.

Robinson & Cole, LLP

**Dmitriy Gelfand** 

Email: dgelfand@rc.com

Party Represented:

Allianz Global Risks US Insurance Co.

Bailey Cavalieri LLC

Thomas E. Geyer

Email: tgeyer@baileycav.com

Party Represented:

Aspen American Insurance Co.

QBE North America Suzanne Giordano New York, NY 10041

Email: Suzanne.Giordano@us.qbe.com

Party Represented:

QBE

Allied World Assurance Corporation

Joseph Girdusky

Email: joe.girdusky@awac.com

Party Represented:

Allied World Assurance Company

Sullivan & Cromwell LLP

Brian Glueckstein

Email: gluecksteinb@sullcrom.com

Party Represented: Steven Mnuchin

Kennedys CMK Michael Goldwasser

Email: Michael.Goldwasser@kennedyslaw.com

Party Represented:

Allied World Assurance Company

Holwell Shuster & Goldberg LLP

Matthew Gurgel

Email: mgurgel@hsgllp.com

Party Represented: Kunal S. Kamlani

Ropers Majeski PC Geoffrey W. Heineman

Email: Geoffrey.heineman@ropers.com

Party Represented:

OBE

Seward & Kissel LLP Thomas Ross Hooper

Email: Hooper@sewkis.com

Party Represented: Bruce Berkowitz

Fairholme Capital Management, LLC

Fairholme Funds, Inc.

Seward & Kissel LLP

Mark J. Hyland

Email: <a href="mailto:hyland@sewkis.com">hyland@sewkis.com</a>

Party Represented: Bruce Berkowitz

Fairholme Capital Management, LLC

Fairholme Funds, Inc.

Aspen American Insurance Co.

Kelly Mai Johnson

Email: Kelly.Johnson@aspen-

<u>insurance.com</u> *Party Represented*:

Aspen American Insurance Co.

Wiley Rein LLP

Leland H. Jones IV Email: ljones@wiley.law

Party Represented:

Berkshire Hathaway Specialty Insurance

Joseph Hage Aaronson LLC

Gregory P. Joseph

Email: gjoseph@jhany.com

Party Represented: Cesar L. Alvarez

Tudor Insurance Company

Steven Taurke Joseph

Email: s.joseph@westernworld.com

Party Represented:

Validus Specialty Underwriting Services

Peabody & Arnold LLP

Stephanie Kao

Email: skao@peabodyarnold.com

Party Represented:

The Hartford (Navigator Insurance

Company)

Kaplan Rice LLP Howard J. Kaplan

Email: <u>hkaplan@kaplanrice.com</u>

Party Represented: Joseph Jordan

Lawrence Meerschaert

Leena Munjal

Smith, Katzenstein & Jenkins LLP

Robert J. Katzenstein Email: <u>rjk@skjlaw.com</u> Party Represented:

Continental Casualty Company

Fried Frank Harris Shriver & Jacobson LLP

Michael C. Keats

Email: michael.keats@friedfrank.com

Party Represented:

Seritage GS Holdings, LLC Seritage Growth Properties, Inc. Seritage Growth Properties, LP Seritage KMT Finance, LLC

Seritage KMT Mezzanine Finance, LLC

Seritage MS Holdings, LLC Seritage SPS Holdings, LLC Seritage SRC Finance, LLC

Seritage SRC Mezzanine Finance, LLC

Fairholme Wayne Kellner

Email: wayne@fairholme.net

Party Represented: Bruce Berkowitz

Fairholme Capital Management, LLC

Fairholme Funds, Inc.

Robinson & Cole, LLP

Erica Kerstein

Email: ekerstein@rc.com

Party Represented:

Allianz Global Risks US Insurance

Company fka Allianz Insurance Milbank LLP Thomas R. Kreller

Email: tkreller@milbank.com

Party Represented: CMH VI, LP

CRS Master Fund, LP Canary SC Fund, LP

Canary SC Master Fund, LP

Crescent 1, L.P. Cyr Fund LP

Cyrus 1740 Master Fund, LP Cyrus Capital Partners, L.P.

Cyrus Opportunities Master Fund II, Ltd Cyrus Select Opportunities Master Fund,

Ltd.

Cyrus Special Strategies Master Fund, LP

Walker Wilcox Matousek LLP

Kevin A. Lahm

Email: klahm@wwmlawyers.com

Party Represented:

**AXIS** 

Milbank LLP Andrew LeBlanc

Email: aleblanc@milbank.com

Party Represented:

CMH VI, LP

CRS Master Fund, LP Canary SC Fund, LP

Canary SC Master Fund, LP

Crescent 1, L.P. Cyr Fund LP

Cyrus 1740 Master Fund, LP Cyrus Capital Partners, L.P.

Cyrus Opportunities Master Fund II, Ltd Cyrus Select Opportunities Master Fund,

Ltd.

Cyrus Special Strategies Master Fund, LP

WilmerHale Noah A. Levine

Email: noah.levine@wilmerhale.com

Debevoise & Plimpton LLP

Sidney P. Levinson

Email: slevinson@debevoise.com

Party Represented:

Cascade Investment LLC

Holwell Shuster & Goldberg LLP

Vincent Levy

Email: <u>vlevy@hsgllp.com</u>

Party Represented: Kunal S. Kamlani

Ropers, Majeski, PC Amber W. Locklear

Email: alocklear@rmkb.com

Party Represented:

**QBE** Insurance Corporation

Fried Frank Harris Shriver & Jacobson LLP

Scott Luftglass

Email: Scott.Luftglass@friedfrank.com

Party Represented:

Seritage GS Holdings, LLC

Seritage Growth Properties, Inc. Seritage Growth Properties, LP

Seritage KMT Finance, LLC

Seritage KMT Mezzanine Finance, LLC

Seritage MS Holdings, LLC

Seritage SPS Holdings, LLC

Seritage SRC Finance, LLC

Seritage SRC Mezzanine Finance, LLC

Kaufman Dolowich Voluck, LLP

Ian Lukaszewicz

Email: ilukaszewicz@kdvlaw.com

Party Represented:

**Endurance American Insurance Company** 

Kaufman Dolowich Voluck, LLP

Catherine Lyster

Email: clyster@kdvlaw.com

Party Represented:

**Endurance American Insurance Company** 

Weil Gotshal & Manges LLP

Jacqueline Marcus

Email: Jacqueline.marcus@weil.com

Ropers, Majeski, PC

Andrew Margulis

Email: andrew.margulis@ropers.com

Party Represented:

**QBE** Insurance Corporation

Kaufman Dolowich Voluck, LLP

Kevin M. Mattessich

Email: kmattessich@kdvlaw.com

Party Represented:

StartPoint

Parsons McEntire McCleary PLLC

Sawnie A. McEntire

Email: smcentire@pmmlaw.com

Party Represented:

Cushman & Wakefield, Inc.

Hiscox

Chris Moore

Email: chris.moore@hiscox.com

Party Represented:

Hiscox

Quinn Emanuel Urquhart & Sullivan LLP

Erika Morabito

Email: ErikaMorabito@QuinnEmanuel.com

Party Represented: Gary Polkowitz

Davis Polk & Wardwell LLP

Elliot Moskowitz

Email: elliot.moskowitz@davispolk.com

Party Represented:

Cushman & Wakefield, Inc.

Quinn Emanuel Urquhart & Sullivan LLP

Brittany J. Nelson

Email: brittanynelson@quinnemanuel.com

Party Represented: Gary Polkowitz

Peabody & Arnold LLP

E. Joseph O'Neil

Email: eoneil@peabodyarnold.com

Party Represented:

The Hartford (Navigator Insurance

Company)

Ropers Majeski PC

Jung H. Park

Yvonne Black, Assistant

Email: jung.park@ropers.com

yvonne.black@ropers.com

Party Represented:

QBE

WilmerHale

Ryanne E. Perio

Email: ryanne.perio@wilmerhale.com

Kennedys CMK

Maurice Pesso

Email: Maurice.Pesso@kennedyslaw.com

Party Represented:

Allied World Assurance Company

Alianz Global Corporate & Specialty

(AGCS)

Matthew Photis

Email: matthew.photis@agcs.allianz.com

Party Represented:

Allianz Global Risks Insurance Company

AIG

Richard Pokorny

Email: Richard.pokorny@aig.com

Party Represented:

Illinois National Insurance Company (AIG)

Peabody & Arnold LLP

Heather G. Reid

Email: <a href="mailto:hreid@peabodyarnold.com">hreid@peabodyarnold.com</a>

Party Represented:

The Hartford (Navigator Insurance

Company)

Milbank Realty Group, Inc.

Eric R. Reimer

Email: <a href="mailto:ereimer@milbank.com">ereimer@milbank.com</a>

Party Represented:

CMH VI, LP

CRS Master Fund, LP

Canary SC Fund, LP

Canary SC Master Fund, LP

Crescent 1, L.P.

Cyr Fund LP

Cyrus 1740 Master Fund, LP

Cyrus Capital Partners, L.P.

Cyrus Opportunities Master Fund II, Ltd

Cyrus Select Opportunities Master Fund,

Ltd.

Cyrus Special Strategies Master Fund, LP

The Hartford (Navigator Insurance

Company)

Traci Ribeiro

Email: <u>Traci.Ribeiro@thehartford.com</u>

Party Represented:

The Hartford (Navigator Insurance

Company)

Kaplan Rice LLP

Michelle A. Rice

Email: MRICE@KAPLANRICE.COM

Party Represented:

Joseph Jordan

Lawrence Meerschaert

Leena Munjal

Cravath, Swaine & Moore LLP

Jeffrey A. Ritholtz

Email: jritholtz@cravath.com

Party Represented:

Ann N. Reese

Paul DePodesta

William C. Kunkler III

Kasowitz Benson Torres LLP

Joshua E Roberts

Email: jroberts@kasowitz.com

Party Represented:

Cascade Investment LLC

Skarzynski Marick & Black LLP

Alexis J. Rogoski

Email: arogoski@skarzynski.com

Party Represented:

XL Professional Insurance

Parsons McEntire McCleary PLLC

Robert M. Rosen

Email: <a href="mailto:rrosen@pmmlaw.com">rrosen@pmmlaw.com</a>

Party Represented:

Cushman & Wakefield, Inc.

Sullivan & Cromwell LLP

Robert Andrew Sacks

Email: sacksr@sullcrom.com

Party Represented: Steven Mnuchin

Beazley Insurance

Melanie Saponara

Email: Melanie.Saponara@beazley.com

Party Represented: Beazley Group

Fried Frank Harris Shriver & Jacobson LLP

Brad E. Scheler

Email: brad.eric.scheler@friedfrank.com

Party Represented:

Seritage GS Holdings, LLC

Seritage Growth Properties, Inc.

Seritage Growth Properties, LP

Seritage KMT Finance, LLC

Seritage KMT Mezzanine Finance, LLC

Seritage MS Holdings, LLC

Seritage SPS Holdings, LLC

Seritage SRC Finance, LLC

Seritage SRC Mezzanine Finance, LLC

Covington & Burling LLP

Matthew J. Schlesinger

Email: mschlesinger@cov.com

Party Represented:

Seritage GS Holdings, LLC

Seritage Growth Properties, Inc.

Seritage Growth Properties, LP

Seritage KMT Finance, LLC

Seritage KMT Mezzanine Finance, LLC

Seritage MS Holdings, LLC

Seritage SPS Holdings, LLC

Seritage SRC Finance, LLC

Seritage SRC Mezzanine Finance, LLC

Weil Gotshal & Manges LLP

Ray C. Schrock

Email: ray.schrock@weil.com

O'Melveny & Myers LLP

Daniel Steven Shamah

Email: dshamah@omm.com

Party Represented:

Benefit Street 2018

Thomas Tisch

Holwell Shuster & Goldberg LLP

Michael S. Shuster

Email: mshuster@hsgllp.com

Party Represented:

Kunal S. Kamlani

Weil Gotshal & Manges LLP

Sunny Singh

Email: sunny.singh@weil.com

Fried Frank Harris Shriver & Jacobson LLP

Peter B. Siroka

Email: Peter.Siroka@friedfrank.com

Party Represented:

Seritage GS Holdings, LLC

Seritage Growth Properties, Inc.

Seritage Growth Properties, LP

Seritage KMT Finance, LLC

Seritage KMT Mezzanine Finance, LLC

Seritage MS Holdings, LLC

Seritage SPS Holdings, LLC

Seritage SRC Finance, LLC

Seritage SRC Mezzanine Finance, LLC

Covington & Burling LLP

Maura Sokol

Email: MSokol@cov.com

Party Represented:

Seritage GS Holdings, LLC Seritage Growth Properties, Inc. Seritage Growth Properties, LP Seritage KMT Finance, LLC

Seritage KMT Mezzanine Finance, LLC

Seritage MS Holdings, LLC Seritage SPS Holdings, LLC Seritage SRC Finance, LLC

Seritage SRC Mezzanine Finance, LLC

Joseph Hage Aaronson LLC

Courtney Solomon

Email: csolomon@jhany.com

Party Represented: Cesar L. Alvarez

Fried Frank Harris Shriver & Jacobson LLP

Michael Sternheim

Email: michael.sternheim@friedfrank.com

Party Represented:

Seritage GS Holdings, LLC Seritage Growth Properties, Inc. Seritage Growth Properties, LP Seritage KMT Finance, LLC

Seritage KMT Mezzanine Finance, LLC

Seritage MS Holdings, LLC Seritage SPS Holdings, LLC Seritage SRC Finance, LLC

Seritage SRC Mezzanine Finance, LLC

QBE Insurance (Europe) Limited

Rory Thomson

Email: rory.thomson@uk.qbe.com

Party Represented: ACT Syndicates

CNA Coverage Litigation Group

Karen Ventrell

Email: karen.ventrell@cna.com

Party Represented:

Continental Casualty Company

O'Melveny & Myers LLP

Lauren Wagner

Email: <a href="mailto:lwagner@omm.com">lwagner@omm.com</a>

Party Represented: Benefit Street 2018 Thomas Tisch

Potter Anderson & Corroon, LLP

Jennifer Wasson

Email: jwasson@potteranderson.com

Party Represented:

Seritage GS Holdings, LLC Seritage Growth Properties, Inc. Seritage Growth Properties, LP Seritage KMT Finance, LLC

Seritage KMT Mezzanine Finance, LLC

Seritage MS Holdings, LLC Seritage SPS Holdings, LLC Seritage SRC Finance, LLC

Seritage SRC Mezzanine Finance, LLC

Covington & Burling LLP

Colin P. Watson

Email: cpwatson@cov.com

Party Represented:

Seritage GS Holdings, LLC Seritage Growth Properties, Inc. Seritage Growth Properties, LP Seritage KMT Finance, LLC

Seritage KMT Mezzanine Finance, LLC

Seritage MS Holdings, LLC Seritage SPS Holdings, LLC Seritage SRC Finance, LLC

Seritage SRC Mezzanine Finance, LLC

Dilworth Paxson, LLP

Thaddeus J. Weaver

Email: eserpe@dilworthlaw.com

Party Represented:

Endurance American Insurance Company

Debevoise & Plimpton LLP

Erica Weisgerber

Email: eweisgerber@debevoise.com

Party Represented:

Cascade Investment LLC

### 19-08250-rdd Doc 277 Filed 06/28/22 Entered 06/28/22 11:56:23 Main Document Pg 12 of 13

CNA Insurance Phillip E. Wilson Jr.

Email: phillip.wilson@cna.com

Party Represented:

Continental Casualty Company

Skarzynski Marick & Black LLP

Tammy Yuen

Email: TYuen@skarzynski.com

Party Represented:

XL Professional Insurance

Akin Gump Strauss Hauer & Feld LLP

David Zensky

Email: dzensky@akingump.com

Party Represented:

Sears Holdings Corporation

Kaufman Dolowich Voluck, LLP

Michael L. Zigelman T. Adeleke, Assistant

Email: mzigelman@kdvlaw.com

tadeleke@kdvlaw.com

Party Represented:

Endurance American Insurance Company

Bailey Cavalieri LLC Jordan W. Ziolkowski

Email: jziolkowski@baileycav.com

Party Represented:

Aspen American Insurance Co.

### Exhibit B

Berkshire Hathaway Specialty Insurance Attn: Theresa Bidermann 85 Broad Street 7<sup>th</sup> Floor New York, NY 10004 *Party Represented*: Berkshire Hathaway Specialty Insurance